REMARKS

I.   Status of Claims

The Final Office Action dated February 16, 2005 rejected claims 1-8, 11, and 12. New claims 19-26 have been added to further round out the scope of protection applicant is entitled to. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

II.   Rejection under 35 U.S.C. §102(e)

Claims 8, 11 and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chafle *et al.*, U.S. Patent Publication No. 2002/0152271 (hereinafter "Chafle"). This rejection is respectfully traversed.

Chafle discloses a system for a peer-to-peer protocol based on the use of global timestamps and client priorities in serializing modifications to a shared workspace of real-time collaboration. Whenever a client broadcasts a modification, it stamps the modification with the global time when it broadcasts the modification (Chafle paragraph 33). Acknowledgments to modifications received by clients also carry timestamps of when the acknowledgments were created (Chafle paragraph 61). However, Chafle fails to disclose the limitations of claims 8, 11, and 12.

Chafle fails to disclose all limitations of independent claims 8, 11, and 12. Claim 8 recites "receiving, by the non-host peer, an operation order and an assigned unique version number **associated** with the operation request." A unique version number is assigned to each operation request made by a non-host peer, thereby, enabling the unique version number to be associated with the operation request. This limitation is not disclosed by Chafle. The Office

9

Action states that Chafle as discloses operation requests when a client requests to leave or join a session. Even if the argument can be made that a request to leave or join a session can be considered an operation order, that request is not assigned a unique version number. The Office Action views Chafle's timestamps as being analogous to assigned version numbers, however, these timestamps are not assigned to the operation order of leaving or joining a session. These timestamps are only related to modifications and acknowledgments (Chafle 0033, 0057). Modifications are broadcasts of data from one client to all other clients, and acknowledgments are use by the other clients to acknowledge these modifications. The timestamps are not **associated** with the operation request and are not assigned to the specific request of leaving or joining a session. Therefore, Chafle does not teach all limitations of claim 8.

Claim 11 is a computer-readable medium claim that includes features analogous to those set forth above with respect to claim 8 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 8.

Claim 12 is a computer system claim that includes features analogous to those set forth above with respect to claim 8 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 8. Accordingly, withdrawal of the rejection of claims 8, 11, and 12 under 35 U.S.C. § 102 is respectfully requested.

New claims 23 and 24 depend from claim 8 and further define novel features of the claimed invention. Accordingly, claims 23 and 24 are allowable by virtue of their dependence on claim 8. Additionally, claim 23 is allowable because Chafle fails to disclose "receiving, by the non-host peer, another assigned unique version number, the another assigned unique version number indicating when the non-host peer joined a session." The unique version number is

assigned to a peer and indicates the version of the name table when the particular peer joined the session (see page 15 lines 18-21 of applicant's specification). The **assigned** version number is located in the peer's name table entry that contains other information about the peer, such as the name of the peer and basic data about the peer (see applicant's specification page 12 lines 2-3). A version number is an **assigned**, descriptive element of a particular peer and is unique to that peer, as it is used to describe when the peer joined the session. Chafle does not disclose such a unique version number. Again, Chafle teaches timestamps that are related to modifications and acknowledgments. These timestamps do not indicate when a peer joined a session and are not stored by the peer throughout its entire duration within the session. Chafle, therefore, does not teach the limitations of claim 23.

Additionally, claim 24 is allowable because Chafle fails to disclose the provided list of recognized operations includes "one of creating a player, destroying a player, creating a group, destroying a group, adding a player to a group, removing a player from a group, updating a player's data, and updating a group's data." There is no teaching by Chafle to suggest any disclosure of such recognized operations listed above, therefore, claim 24 defines over the art of record.

New claims 25 and 26 depend from claims 11 and 12 respectively and therefore define over the art of record for at least the reasons set forth with respect to claims 11 and 12.

III. Rejection under 35 U.S.C. §103(a)

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fennell Jr. *et al.*, U.S. Patent No. 5,695,400 (hereinafter "Fennell"), in view of Pabla, U.S. Patent Publication No. 2002/0156875 (hereinafter "Pabla"). This rejection is respectfully traversed.

Fennell discloses a multi-player game playing network in which players answer multiple choice questions. Responses by players are timestamped in order for the central game server to determine which player answers the questions the fastest.

Pabla discloses another peer-to-peer environment in which peers communicate information amongst one another. However, neither reference discloses all limitations of claims 1-7.

The references, even if combined, fail to teach the limitations of independent claims 1, 6, and 7. Both references fail to disclose several features of the independent claims. Claim 1 states that operation requests are "one of a **provided list** of recognized operations **which may be requested.**" The Office Action cites Fennell as disclosing this limitation, however, Applicant respectfully disagrees. Fennell does not disclose a provided list of recognized operations which may be requested. Fennell discloses only one recognized operation – a terminal's response to an answer to gain control of the game. Moreover, this operation is not **"requested"**; a terminal does not request to answer a question, which involves obtaining permission before it can answer. The terminals answer questions as fast as possible without having to request permission to do so. Even if the argument can be made that a terminal does request the operation of answering a question, the act of answering a question is the only operation that a terminal can pick, there again is not a provided list of different recognized operations a terminal can choose from. The present invention has a plurality of recognizable operations that a peer can choose to request such as: "create player, destroy player, create group, destroy group, add player to group, remove player from group, update player data and update group data" (see applicant's specification page 14 lines 6-8). Fennell may teach different examples of how to "buzz" in an answer to a question

such as pressing a key or clicking a mouse, however, these examples aide in the transportation of only one recognized operation – responding to a question. So again, a provided list is not disclosed in Fennell, nor Pabla, as Fennell only teaches one recognizable operation that, in fact, is not even requested.

In order to make out a prima facie case of obviousness, the references cited by the Examiner must provide all of the elements of the invention as claimed and a suggestion to combine the disclosures of the various cited art references to make the claimed invention. *In re Geiger*, 815 F.2d 686,688 2 USPQ2d 1276, 1278 (Fed. Cir. 1987); *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Fennell and Pabla, even in combination, fail to disclose all of the elements of claim 1, therefore, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-5 depend from claim 1 and therefore define over the art of record for at least the reasons set forth with respect to claim 1. Additionally, claim 4 further defines novel features of the claimed invention. Claim 4 recites "processing, by the receiving peer, the operation order in the order of the assigned version number." Neither reference discloses a receiving peer **"processing"** the operation order **in the order** of the assigned version number. The terminals taught by Fennell merely receive signals from the host stating their respective degrees of control after the host processes the timestamps.

Claim 6 is a computer-readable medium claim that includes features analogous to those set forth above with respect to claim 1 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 1.

Claim 7 is a computer system claim that includes features analogous to those set forth above with respect to claim 1 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 1.

Newly added claims 19 and 20 depend from claim 1 and further define novel features of the claimed invention. Accordingly, claims 19 and 20 are allowable by virtue of its dependence on claim 1. Additionally, claim 19 is allowable because Fennel and Pabla in combination fail to disclose "assigning, by the host peer, a third unique version number to each peer in the peer-to-peer environment, the third unique version number indicating when each peer joined a session." The third unique version number is **assigned** to a peer and indicates the version of the name table when the particular peer joined the session (see page 15 lines 18-21 of applicant's specification). The **assigned** version number is located in the peer's name table entry that contains other information about the peer, such as the name of the peer and basic data about the peer (see applicant's specification page 12 lines 2-3). A version number is an **assigned**, descriptive element of a particular peer and is unique to that peer, as it is used to describe when the peer joined the session. Fennel and Pabla do not disclose such a unique version number. Fennel teaches timestamps that are related to when a response was made by the client. These timestamps do not indicate when a peer joined a session and are not stored by the peer throughout its entire duration within the session. The combination of Fennel and Pabla, therefore, does not teach the limitations of claim 23.

Additionally, claim 20 is allowable because Fennel and Pabla fail to disclose the provided list of recognized operations includes "one of creating a player, destroying a player, creating a group, destroying a group, adding a player to a group, removing a player from a group, updating a player's data, and updating a group's data." There is no teaching by the combination

of Fennel and Pabla to suggest any disclosure of such recognized operations listed above, therefore, claim 20 defines over the art of record.

New claims 21 and 22 depend from claims 6 and 7 respectively and therefore define over the art of record for at least the reasons set forth with respect to claims 6 and 7.
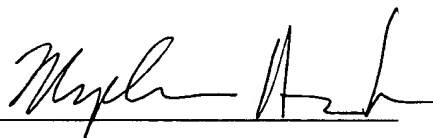
As explained above, Fennell and Pabla fail to disclose all limitations of claims 1-7, and 19-22. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

IV.   Conclusion

Applicants respectfully submit that the section 103(a) rejections have been overcome and claims 1-8, 11, and 12 are now in condition for allowance. Allowance of all pending claims is respectfully requested. However, if the Examiner believes that any issues remain, he should feel free to contact the undersigned at the telephone number below. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112 referencing Attorney Docket No. MFCP.81824.

Respectfully submitted,

Dated: May 16, 2005

Monplaisir Hamilton
Reg. No. 54,851

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, Missouri 64108-2613
Telephone (816) 474-6550
Facsimile (816) 421-5547